



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

May 12, 2020

Chad Ondrusek
Sr. Director, IEH Division
New York City School Construction Authority
30-30 Thompson Avenue, 2nd Floor
Long Island City, NY 11101

Re: New York City School Construction Authority
Approval for Cleanup and Disposal of PCB Remediation Waste under 40 CFR §761.61(a) and
for Characterization and Verification Sampling under 40 CFR §761.61(c)

Dear Mr. Ondrusek:

This is in response to the April 2, 2020 Notifications of Self-Implementing Onsite Cleanup and Disposal of PCB Remediation Waste (Notifications), submitted by the New York City School Construction Authority (SCA). The Notifications concern SCA's plans to address polychlorinated biphenyl (PCB) contamination in the soil at the following schools:

1. Public School 199Q, 39-20 48th Avenue, Queens, NY 11104
2. Intermediate School 2R, 333 Midland Avenue, Staten Island, NY 10306

The Notifications will be referred to as the "Applications". The PCB contaminated soil is considered to be PCB remediation waste that exceeds the cleanup levels under the federal PCB regulations at 40 CFR §761.61(a)(4).

The proposed remedial action is to remove and dispose of all PCB remediation waste in excess of 1 part per million (ppm). If soils greater than 1 ppm but less than 10 ppm remain on site and cannot be excavated further, a deed restriction and cap will be implemented.

With the exception of the characterization and verification sampling requirements under Subparts N and O of 40 CFR Part 761, the proposed removal of the PCB remediation waste meets the self-implementing cleanup and disposal requirements under 40 CFR §761.61(a). In addition, based on the characterization and proposed verification sampling, in accordance with 40 CFR §761.61(c), the United States Environmental Protection Agency (EPA) finds that this sampling, in this proposed remediation context is acceptable for purposes of determining compliance with the High Occupancy Area PCB cleanup standard of 1 ppm without restrictions and 10 ppm with implementation of a cap and deed restriction meeting the requirements of 40 CFR §761.61(a)(7) and (a)(8).

EPA hereby approves the SCA's Application, and it may proceed with the cleanup and disposal under 40 CFR §761.61(a) and (c) and the Application, subject to this Approval. This Approval also constitutes an order under the authority of Section 6 of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2605. This approval only specifies the applicable requirements under TSCA and does not cite to or make any

determinations regarding the requirements that may be applicable under other federal, state, or local law. TSCA disposal requirements do not supersede other, more stringent, applicable federal, state or local laws.

Please note that this Approval does not constitute a determination by EPA that the transporters or the disposal facilities selected by the SCA are authorized to conduct the activities set forth in the Application. The SCA is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct any such activities in accordance with all applicable federal, state and local statutes and regulations.

Should you have any questions concerning this matter, please feel free to contact me at (212) 637-3315 or have your staff contact Eleni Kavvadias at (212) 637-4138 or at kavvadias.eleni@epa.gov.

Sincerely,

Ariel Iglesias, Director
Land, Chemicals and Redevelopment Division

cc: Mr. Gerard Burke Director, Remedial Bureau B, NYSDEC

